

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LAWRENCE STEWART,)	
)	
Plaintiff,)	
vs.)	NO. CIV-11-0684-HE
)	
JOHN CHRISTIAN,)	
)	
Defendant.)	

ORDER

Plaintiff Lawrence Stewart, appearing *pro se*, filed this action pursuant to 42 U.S.C. §1983 asserting a violation of his constitutional rights. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Doyle W. Argo, who has recommended that the action be dismissed without prejudice due to plaintiff's failure to pay the initial partial filing fee of \$11.67.


The magistrate judge had granted plaintiff's motion to proceed *in forma pauperis*, but advised plaintiff that he would be required to pay the \$350 filing fee, beginning with an initial partial payment of \$11.67 by July 7, 2011. Plaintiff was advised that failure to pay the initial fee or show cause in writing for not doing so could result in the dismissal of his action without prejudice to refiling. When plaintiff did not pay the initial fee, explain his failure to do so or request an extension of time to comply with the court's order, the magistrate judge issued a Report and Recommendation suggesting that the action be dismissed without prejudice.

Plaintiff failed to object to the magistrate judge's Report and Recommendation, which

the court adopts. Accordingly, this action is dismissed without prejudice to refiling.

IT IS SO ORDERED.

Dated this 18th day of August, 2011.



JOE HEATON
UNITED STATES DISTRICT JUDGE